

Public Chapter 336

HOUSE BILL NO. 383

By Representatives Hargrove, Eckles

Substituted for: Senate Bill No. 1360

By Senator Rochelle

AN ACT to amend Tennessee Code Annotated, Title 41, Chapter 6, relative to restitution.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 6, is amended by adding the following as a new part:

Section 41-6-301. It is the purpose of this part to:

- (1) Authorize the Commissioner of Correction to encourage the sale of inmate produced arts and crafts items; and
- (2) Designate the uses to be made of deductions from income earned by such sales.

Section 41-6-302. As used in the part, unless the context otherwise requires:

- (1) "Commissioner" means the Commissioner of Correction; and
- (2) "Department" means the Department of Correction.

Section 41-6-303. (a) Any inmate producing arts and crafts items for sale pursuant to this part shall, pursuant to policies established by the commissioner, pay from monies received from sales, and the commissioner may deduct therefrom in the following order:

- (1) A maximum of fifteen percent (15%) to the victim of any crimes committed by the inmate to the extent such victim's loss as determined by a written agreement or judgment under Tennessee Code Annotated, Title 29, Chapter 13, Part 1, and thereafter to any state fund established by law to compensate victims of crime;
- (2) Room and board in an amount to be determined by the department;
- (3) A percentage of the remainder to be determined by the commissioner, after prior deductions under subdivisions (1) and (2), to the spouse and children or legal guardian of the inmate's children; and

(4) All remaining funds to the inmate's personal trust account.

(b) No inmate may accumulate more than five hundred dollars (\$500) in such inmate's personal trust account from arts and crafts sold pursuant to this part. Such five hundred dollar (\$500) limitation shall be cumulative and shall remain in effect for as long as such inmate is incarcerated. If funds remain from the sale of arts and crafts after the inmate's five hundred dollar (\$500) personal trust account limitation has been reached, such excess funds shall be distributed as provided in subsection (a)(1), (2) and (3) of this section.

(c) Any amounts so deducted pursuant to this section shall be payable in such manner as the commissioner may by policy prescribe.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.